

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-14 EA-12 EUR-12 NEA-10
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NSC-05 PA-02 SP-02 SS-15 USIA-15 /132 W
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R 102123Z MAR 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 9970

UNCLAS SECTION 01 OF 02 USUN NEW YORK 00858

E.O. 11652: N/A
TAGS: UN
SUBJECT: SPECIAL COMMITTEE ON CHARTER

1. AT MARCH 9 MEETING SPECIAL COMMITTEE, FRANCE, ZAMBIA, US, JAPAN, ROMANIA, PHILIPPINES SPOKE ON PEACEFUL SETTLEMENT OF DISPUTES. FRANCE MADE FOLLOWING SEVEN SUGGESTIONS: 1) STRICTER APPLICATION OF ARTICLES 33 AND 37; 2) INCLUSION OF PEACEFUL SETTLEMENT PROCEDURES IN BILATERAL AND MULTILATERAL CONVENTIONS; 3) RECOMMENDATIONS TO STATES THAT WHEN THEY VOLUNTARILY TAKE A CASE TO THE ICJ, THEY MUST ABIDE BY ICJ DECISION; 4) GREATER USE OF REGIONAL BODIES WHEN PROBLEMS CAN BE SETTLED AT REGIONAL LEVEL; 5) DEVELOPMENT OF AD HOC AGREEMENTS AND SPECIAL ARRANGEMENTS, E.G., LOS, SPECIAL SETTLEMENT PROCEDURES OF SPECIALIZED AGENCIES, INVESTMENTS CENTER COMMISSION FOR SETTLEMENT OF DISPUTES; 6) LIST OF AUTHORITIES FROM WHICH ARBITERS OR PRESIDENTS OF ARBITRATION TRIBUNALS WOULD BE NAMED; 7) CREATION OF A PRACTICAL UN MANUAL ON PEACEFUL SETTLEMENT, LISTING PROCEDURES TO BE FOLLOWED AND MACHINERY AVAILABLE, INCLUDING REGIONAL MACHINERY. NOTING DIFFICULTY IN NAMING THIRD ARBITER, FRANCE SUGGESTED LIST OF ARBITERS INCLUDE ICJ PRESIDENT, UN SYG, AND HEADS OF SPECIALIZED AGENCIES. FRANCE RESERVED ITS POSITION ON MEXICAN
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PROPOSAL FOR A DECLARATION.

2. ZAMBIA SUGGESTED FOLLOWING PROPOSALS: 1) INTERNATIONAL INSTRUMENT OR DECLARATION IN WHICH STATES WOULD REAFFIRM THEIR COMMITMENT TO PEACEFUL SETTLEMENT OF DISPUTES; 2) REGIONAL MACHINERY WOULD BE AVAILABLE WHEN NEEDED BUT SHOULD NOT BE A COMPULSORY FIRST STEP BEFORE TURNING TO

UN; 3) GA CREATED COMMISSION OR COMMITTEE TO DEAL WITH PEACEFUL SETTLEMENT OF DISPUTES, TO WORK AS A SUB-COMMITTEE OF SC; 4) VOLUNTARY AGREEMENT BY PERMANENT MEMBERS TO AVOID USE OF VETO ON ISSUES CONCERNING PEACEFUL SETTLEMENT OF DISPUTES; 5) ELABORATION AND DEVELOPMENT OF PEACEFUL SETTLEMENT IN ARTICLE 33; 6) ENHANCED ROLE OF ICJ AND SUGGESTED POSSIBILITY OF AMENDING STATUTE SO STATES COULD SEEK ADVISORY OPINIONS AT ANY STAGE OF A DISPUTE; 7) EARLY USE OF PEACEFUL SETTLEMENT PROCEDURES TO AVOID GREATER CONFLICT. ZAMBIA SUGGESTED SUBSTANCE OF SUBJECT BE CONSIDERED IN NON-USE OF FORCE COMMITTEE.

3. US SUPPORTED FRENCH SUGGESTION FOR A MANUAL OR GUIDE, EXPRESSED RESERVATIONS ON ROMANIAN PROPOSAL FOR A GA COMMISSION AND MADE FOLLOWING PROPOSALS: 1) ANALYSIS OF REASONS STATES DO NOT RESORT MORE FREQUENTLY TO EXISTING MACHINERY; 2) EXPLORE WAYS AND MEANS OF ENCOURAGING STATES TO BRING MATTERS TO THE UN; 3) GREATER USE OF SC INFORMAL MEETINGS OR CONSULTATIONS; 4) EXAMINE FUNCTIONING OF SC TO SEE WHETHER GREATER USE COULD BE MADE OF PERIODIC MEETINGS, PERHAPS AT FOREIGN MINISTER LEVEL; 5) GREATER USE OF INFORMAL CONSULTATIONS AS A FORUM FOR DISCUSSION OF POTENTIAL FUTURE PROBLEM AREAS; 6) USE OF COMMITTEES OF THE SC COMPRISED OF ALL SC MEMBERS OR ONLY SOME MEMBERS; 7) EXPLORE POSSIBILITY OF ENCOURAGING GREATER USE OF SC AS A VEHICLE TO AUTHORIZE UNCLASSIFIED

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FACT-FINDING; 8) CONSIDERATION OF ELABORATION OF INSTRUMENT PURSUANT TO WHICH STATES WOULD ACCEPT OBLIGATION OF EITHER CONCILIATION, ARBITRATION OR ADJUDICATION. US CALLED ON MEMBERSHIP TO ACCEPT LEGAL CONSEQUENCES OF MEMBERSHIP IN THE UN, THE INTENTION OF THE UN FOUNDERS AND THE NATURE OF TODAY'S INTERDEPENDENT NUCLEAR WORLD IN PLACE OF ANACHRONISTIC ARGUMENTS THAT ACCEPTANCE IN ADVANCE OF BINDING THIRD PARTY SETTLEMENT MACHINERY IN SOME WAY VIOLATED SOVEREIGNTY; 9) GREATER USE OF ICJ BOTH IN CONTENTIOUS CASES AND FOR OBTAINING ADVISORY OPINIONS. US SUGGESTED LIST OF ITEMS ON DISPUTE SETTLEMENT, PER PARA 2 OF GA RES 32/45, MIGHT BE ORGANIZED UNDER FOLLOWING GENERAL HEADINGS: 1) EXPLORATION OF WHY GREATER USE IS MADE OF EXISTING POSSIBILITIES FOR PEACEFUL SETTLEMENT OF DISPUTES; 2) WAYS AND MEANS OF IMPROVING EXISTING POSSIBILITIES TO ENCOURAGE THEIR GREATER USE; 3) ELABORATION OF NEW INSTRUMENTS DESIGNED TO STRENGTHEN OR ENHANCE THE OBLIGATION CONTAINED IN ARTICLE 2, PARAGRAPH 3. SUGGESTED EACH MAIN HEADING BE FOLLOWED BY SPECIFIC PROPOSALS OF DELEGATIONS, INDICATING WHICH SUGGESTIONS ATTRACTED SUPPORT AND ON WHICH GENERAL AGREEMENT SEEMED POSSIBLE; SUGGESTED IT WOULD BE USEFUL

IF WORKING GROUP GAVE SOME GUIDANCE FOR HOW WORK MIGHT BE CARRIED FORWARD, E.G., QUESTIONNAIRE, CONSIDERATION BY COMMITTEE ESTABLISHED PURSUANT TO GA RES 32/150. (INFORMAL TEXT POUCHED TO IO/UNP BARRY).

4. BOTH MEXICO AND ARGENTINA APPROACHED DELEGATION AFTER MEETING AND APPLAUDED OUR POSITIVE CONTRIBUTION ON BOTH SUBSTANCE AND PROCEDURE.

5. JAPAN CALLED FOR STRENGTHENING OF FACT-FINDING, STRENGTHENING ROLE OF ICJ, WIDER USE OF ADVISORY OPINIONS AND COMMENTED ON QUESTION OF COMPULSORY JURISDICTION OF COURT; SUGGESTED LISTING OF PROPOSALS

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MADE IN WORKING GROUP AND SUPPORTED IDEA OF GROUPING PROPOSALS UNDER SEVERAL GENERAL HEADINGS.

6. ROMANIA SPOKE ON ITS PROPOSAL FOR A GA COMMISSION, DID NOT CONSIDER IT TO BE CONTRARY TO CHARTER; SAID THERE WAS NEED FOR AN INTERNATIONAL INSTRUMENT ON PEACEFUL SETTLEMENT OF DISPUTES; NOTED ORGANIC LINK BETWEEN PEACEFUL SETTLEMENT AND NON-USE OF FORCE; SAID WHEN DIRECT NEGOTIATIONS NOT SUCCESSFUL THE UN SHOULD PROVIDE ASSISTANCE.

7. PHILIPPINES SUPPORTED PRINCIPLE IN MEXICAN PROPOSAL FOR ELABORATION OF ALL MEANS OF PEACEFUL SETTLEMENT ENUMERATED IN ARTICLE 33; SAID ICJ SHOULD PLAY A MORE SIGNIFICANT ROLE, REFERRED BRIEFLY TO PHILIPPINE PROPOSALS FOR AMENDING ICJ STATUTE; SUGGESTED EXPANSION OF ICJ COMPETENCE WITH RESPECT TO ADVISORY OPINIONS; SUPPORTED PROPOSAL FOR GA COMMISSION ON CONCILIATION AND SUGGESTED

ITS MEMBERS BE PAST GA PRESIDENTS.

8. COMMITTEE ADJOURNED UNTIL 10:30 AM ON MARCH 10.
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Status: NATIVE
Subject: SPECIAL COMMITTEE ON CHARTER
TAGS: PORG, FR, US, JA, RO, RP, UN
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